

SENATE BILL 3214

By Kurita

AN ACT to amend Tennessee Code Annotated, Title 53
and Title 63, relative to pharmacy practice.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by
adding the following as a new section:

63-10-214.

(a) Before a pharmacist or a pharmacy may dispense or deliver a controlled substance as a prescription drug to a person, the pharmacist or pharmacy shall obtain identification from the person presenting themselves to take possession of the prescription and consult a database maintained by the pharmacy of persons in the household who are authorized to pick up a prescription and confirm that the person is authorized to pick up the prescription. The prescription shall only be delivered by the pharmacist or pharmacy to persons from the household who are authorized to take possession and deliver the prescription.

(b) A pharmacy is required to maintain a database of persons in the household of individuals for whom the pharmacist or pharmacy is dispensing a prescription for controlled substance. At the time that a pharmacist is dispensing a prescription to an individual for the first time, the pharmacist shall inquire of the individual as to who is authorized to pick up prescriptions and record the names provided in a database at the pharmacy. For an individual under the age of eighteen (18) who has medication prescribed for him or her, a parent or legal guardian shall determine who in the household may pick up prescriptions for controlled substances, unless the individual is an emancipated minor. Any such information obtained shall be confidential and shall not be a public record for the purposes of title 10, chapter 7, and shall only be made

available pursuant to court order or to the board of pharmacy on request by the board.

The board of pharmacy is authorized to promulgate rules and regulations to effectuate

the purposes of this section and such rules shall comply with relevant federal law,

including the federal Health Insurance Portability and Accountability Act of 1996,

compiled in 42 U.S.C. 1320d et seq. All such rules and regulations shall be promulgated

in accordance with the provisions of title 4, chapter 5.

SECTION 2. This act shall take effect January 1, 2009, the public welfare requiring it.